

EXHIBIT A

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From: Ben Hodges <ben.hodges@foster.com>
Sent: Wednesday, November 28, 2018 5:29 PM
To: 'Andrew C. Aitken'; Kevin Ormiston
Cc: Cameron Tousi
Subject: RE:

Andrew,

Thank you for the effort, but this is also unacceptable and in fact worse. This version you've now made the prosecution bar completely one-sided where it only applies to Plaintiff's counsel and not Defendants' at all. Further, while the shortening of the years is appreciated, the fact remains any bar is unacceptable. Ninebot's counsel for years has had access to the source code that runs Mr. Chen's products without any sort of prosecution bar. Further, I've explained before, it is also simply unnecessary because there are not continuation applications pending or available for the patents in the case. All this does is add an unnecessary layer of complication to something that should not be an issue.

Further, as I already provided the proof, after being asked and told that it was what was needed to get through this impasse, that prosecution bars are not the norm for this district or our firm (regardless of what side we are on) I'm surprised this is still an issue. We've been amenable to every other suggestion or edit proposed, but as I've said now for 10 months a prosecution bar is unacceptable.

Thanks.

Ben

Ben Hodges
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From: Andrew C. Aitken [mailto:acaitken@ipllfirm.com]

Sent: Tuesday, November 27, 2018 7:55 AM

To: Ben Hodges; Kevin Ormiston

Cc: Cameron Tousi

Subject:

Dear Ben and Kevin:

Cameron has been away from the office and has asked me to try to resolve the impasses on the protective order.

Please see the marked up version that I understand, inter alia, reduces the time prosecution bar provision as compared to previous versions.

Let me know if this will resolve the outstanding issues. Feel free to contact me if you would like to discuss the matter.

Very truly yours,

Andy Aitken

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